



**Service of Process
Transmittal**

01/29/2018
CT Log Number 532694193

TO: Rich Robinson
J. C. Penney Corporation, Inc.
6501 Legacy Dr MS 1106
Plano, TX 75024-3612

RE: Process Served in Illinois

FOR: J. C. Penney Corporation, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: JOYCE VENTIMIGLIA, Pltf. vs. J. C. PENNEY CORPORATION, INC., Dft. // To: J. C. Penney Corporation, Inc.

DOCUMENT(S) SERVED: Summons, Complaint, Entry, Affidavit(s)

COURT/AGENCY: Madison County - 3rd Judicial Circuit Court, IL
Case # 2018L000022

NATURE OF ACTION: Asbestos Litigation - Personal Injury

ON WHOM PROCESS WAS SERVED: C T Corporation System, Chicago, IL

DATE AND HOUR OF SERVICE: By Process Server on 01/29/2018 at 08:30

JURISDICTION SERVED : Illinois

APPEARANCE OR ANSWER DUE: Within 30 days after service, exclusive of the day of service

ATTORNEY(S) / SENDER(S): G MICHAEL STEWART
SIMMONS HANLY CONROY
One Court Street
Alton, IL 62002
(618) 259-2222

ACTION ITEMS: CT has retained the current log, Retain Date: 01/29/2018, Expected Purge Date: 02/03/2018

Image SOP

Email Notification, Cathy Henigan CHENIGAN@jcp.com

Email Notification, Glenn Morris cgmorri1@jcp.com

Email Notification, Johnda Denison JDENISON@jcp.com

Email Notification, Jill McJunkins jmcju1@jcp.com

Email Notification, Rich Robinson rrobin35@jcp.com

Email Notification, Leslie Bevilacqua lbevilac@jcp.com

SIGNED: C T Corporation System

ADDRESS: 208 South LaSalle Street

Page 1 of 2 / DP

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

**GROUP
EXHIBIT "A"**



**Service of Process
Transmittal**

01/29/2018

CT Log Number 532694193

TO: Rich Robinson
J. C. Penney Corporation, Inc.
6501 Legacy Dr MS 1106
Plano, TX 75024-3612

RE: Process Served in Illinois

FOR: J. C. Penney Corporation, Inc. (Domestic State: DE)

TELEPHONE:

Suite 814
Chicago, IL 60604
312-345-4336

Page 2 of 2 / DP

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January 9, 2018

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY
155 N Main St., Edwardsville, IL 62025
(618) 296-4464
madisoncountycircuitclerkIL.org

CASE No. 2018 L 000022

DATE: January 08, 2018

JOYCE VENTIMIGLIA

PLAINTIFF

VS.

J.C. PENNEY CORPORATION, INC.

DEFENDANT

DEFENDANT: J.C. PENNEY CORPORATION, INC. *CT Corporation System, 208 S. LaSalle St, 17th Fl, Suite 814, Chicago IL 60604*

You are hereby summoned and required to file an answer in this case, or otherwise file your appearance, in the office of the Madison County Circuit Clerk, within 30 days after service of this summons, exclusive of the day of service. If you fail to do so, a judgment or decree by default may be taken against you for the relief prayed in the complaint.

This summons must be returned by the officer or other person to whom it was given for service, with endorsement thereon of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

This summons was served later than 30 days after its date.

Witness  the Clerk of said Circuit Court and the seal thereof, at Edwardsville, Illinois, this January 9, 2018.

MARK VON NIDA
CLERK OF THE CIRCUIT COURT

BY: *Melodie Smith*
Deputy Clerk

(Plaintiff's attorney or plaintiff if he is not represented by an attorney)

G MICHAEL STEWART
SIMMONS HANLY CONROY
1 COURT ST
ALTON, IL 62002-0519

Date of Service: *January 9, 2018*
(To be inserted by officer on the copy left with the defendant or other person)

1 of 2

The Madison County Court makes every effort to comply with accessibility laws and provides reasonable accommodations to persons with disabilities. Hearing, visual and other assistance may be arranged by contacting our Court Disability Coordinator, Teri Picchioldi at 618-296-4884.

FILED *mudge*

Case Number 2018L 000022

Transaction ID: 61539337

Date: Jan 08 2018 02:27PM

Mark Von Nida

Clerk of Circuit Court

Third Judicial Circuit, Madison County Illinois

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

JOYCE VENTIMIGLIA

Plaintiff,

-vs.-

J. C. PENNEY CORPORATION, INC.

Defendant.

No. _____

Serve: CT Corporation System
208 S. LaSalle St., Suite 814
Chicago, IL 60604

COMPLAINT

Plaintiff JOYCE VENTIMIGLIA, by and through her undersigned counsel, Ted N. Gianaris and G. Michael Stewart of Simmons Hanly Conroy, LLC, bring this action against Defendant J. C. Penney Corporation, Inc.. and upon information and belief, allege as follows:

Count I- JC PENNY

NEGLIGENCE

Plaintiff JOYCE VENTIMIGLIA, ("VENTIMIGLIA") by and through her undersigned counsel, Ted N. Gianaris and G. Michael Stewart of Simmons Hanly Conroy, LLC,, bring this action against Defendant J. C. PENNEY CORPORATION, INC. ("JCP") and upon information and belief, alleges as follows:

1. Plaintiff VENTIMIGLIA is a resident of Wood River, Madison County, Illinois.
2. Defendant JCP is a foreign corporation, incorporated in the state of Delaware and licensed to do business in the State of Illinois.
3. Defendant JCP owned and operated a retail establishment in Alton, Madison County, Illinois on December 20, 2016.

4. On December 20, 2016, Plaintiff VENTIMIGLIA was lawfully present on the premises owned and operated by Defendant JCP. At said date and location, Plaintiff VENTIMIGLIA suffered serious personal injuries.

5. On December 20, 2016, Defendant JCP had a duty to maintain its property in a reasonably safe condition.

6. On December 20, 2016, Defendant JCP failed to maintain its premises in a reasonably safe condition.

7. That as a result of the failure of Defendant JCP to maintain its premises in a reasonably safe manner, Plaintiff VENTIMIGLIA suffered serious and permanent injury.

8. That Plaintiff VENTIMIGLIA injuries were directly and proximately caused by one or more of the following negligent acts or omissions of Defendant JCP :

- a. Defendant JCP failed to properly train its staff, agents, and/or employees;
- b. Defendant JCP failed to properly supervise its staff, agents, and/or employees;
- c. Defendant JCP and/or its staff, agents, and/or employees failed to properly supervise the creation, building and/or maintenance of its displays where Plaintiff VENTIMIGLIA was injured;
- d. Defendant JCP failed to properly train its staff, agents, and/or employees on the proper use of the various components of its displays;
- e. Defendant JCP and/or its staff, agents, and/or employees failed to maintain control of the displays where Plaintiff was injured;
- f. Defendant JCP constructed and/or allowed to be constructed a display in a manner wherein portions of the display extended into the path of shoppers/customers;

- g. Defendant JCP constructed and/or allowed to be constructed a display in a manner wherein portions of the display extended into the path of shoppers/customers in such a manner as to be unavoidable;
- h. Defendant JCP constructed and/or allowed to be constructed a display in a manner wherein portions of the display extended into the path of shoppers/customers in such a manner as to be hidden from plain view;
- i. Defendant JCP constructed and/or allowed to be constructed a display in a manner wherein portions of the display extended into the path of shoppers/customers in such a manner as to be a tripping and/or fall hazard;
- j. Defendant JCP failed to properly warn of a tripping and/or fall hazard in the areas around its displays;
- k. Defendant JCP and/or its staff, agents, and/or employees allowed the store to be operated in an unsafe manner;
- l. Defendant JCP and/or its staff, agents, and/or employees allowed the bedding department of the store to be operated in an unsafe manner;
- m. Defendant JCP and/or its staff, agents, and/or employees allowed the displays in store to be operated in an unsafe manner.

9. As a direct and proximate result of one or more of the foregoing acts or omissions of Defendant JCP, Plaintiff VENTIMIGLIA tripped and fell to the floor of the stores and sustained injuries to her person set forth more fully below.

10. Plaintiff VENTIMIGLIA sustained severe and permanent injuries, both internally and externally, as follows:

- a. Plaintiff VENTIMIGLIA suffered fractures to her arm and other injuries of a permanent and lasting nature including contusions and abrasions as well as muscle strains and scars;
- b. Plaintiff VENTIMIGLIA had to endure various medical procedures to her body as a result of the fractures Plaintiff sustained;
- c. Plaintiff VENTIMIGLIA had to endure physical therapy as a result of the fractures Plaintiff VENTIMIGLIA sustained;
- d. Plaintiff VENTIMIGLIA was unable to care for herself and her personal needs;
- e. Plaintiff VENTIMIGLIA suffered and continues to suffer loss of use and felling in the injured arm, hand and fingers;
- f. Plaintiff VENTIMIGLIA suffered and continues to suffer from bodily pain and anguish as a result of the above injuries.

11. That as a result of her injuries, Plaintiff VENTIMIGLIA suffered various fractures to her arm, as well as contusions and bruises.

12. That the Plaintiff VENTIMIGLIA had to endure numerous medical procedures as a result of this accident including but not limited to, hospitalization, immobilization, bed rest, confinement to her home due to her injuries, rehabilitative services, doctor's appointments and physical therapy.

13. That as a direct and proximate result of this accident the Plaintiff VENTIMIGLIA was unable to attend to her normal daily activities including church, volunteer work, and social activities.

14. Plaintiff VENTIMIGLIA has, because of her severe injuries, been hindered and prevented from attending to her usual duties and affairs.

15. Plaintiff VENTIMIGLIA has spent and will continue to spend and become liable for large sums of money for hospital, medical and physical therapy during her recovery.

16. Plaintiff VENTIMIGLIA has, because of her severe injuries, been hindered and prevented from attending to her normal work duties and responsibilities and has large income as a result thereof.

WHEREFORE, Plaintiff JOYCE VENTIMIGLIA, demands a judgment against the Defendant J. C. PENNEY CORPORATION, INC. in an amount in excess of the jurisdictional limits of a Law Division case to fairly and reasonably compensate her for the injuries she sustained plus all costs of suit and all other relief as may be deemed just and reasonable.

Respectfully submitted,

SIMMONS HANLY CONROY, LLC

By 

G. Michael Stewart
Attorney for Plaintiff
Atty. No. 06230339

SIMMONS HANLY CONROY, LLC
One Court Street
Alton, Illinois 62002
(618) 259-2222

FILED

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Mark Von Nida

Clerk of Circuit Court

Third Judicial Circuit, Madison County Illinois

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

JOYCE VENTIMIGLIA

Plaintiff,

-vs.-

J. C. PENNEY CORPORATION, INC.

Defendant.

No. _____

ENTRY OF APPEARANCE

Now comes Attorney G. Michael Stewart, of SIMMONS HANLY CONROY, and enters his appearance for Plaintiff, JOYCE VENTIMIGLIA, and respectfully requests that all notices, inquiries, and correspondence be directed to his attention at the address and phone number provided below.

Respectfully Submitted,

SIMMONS HANLY CONROY

Attorney for Plaintiff

G. Michael Stewart, IL#6230339

One Court Street

Alton, IL 62002

618.259.2222

618.259.2251 (Fax)

mstewart@simmonsfirm.com

FILED

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Mark Von Nida

Clerk of Circuit Court

Third Judicial Circuit, Madison County Illinois

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

JOYCE VENTIMIGLIA

Plaintiff,

-VS.-

J. C. PENNEY CORPORATION, INC.

Defendant.

No. _____

AFFIDAVIT PURSUANT TO SUPREME COURT RULE 222

The undersigned does hereby aver pursuant to Supreme Court Rule 222(b), based upon information and belief, that the total damages sought in the instant cause of action has a value of more than Fifty Thousand Dollars (\$50,000.00), exclusive of interest and attorney fees.

Further, affiant sayeth not.

Respectfully Submitted,

SIMMONS HANLY CONROY

Attorney for Plaintiff

G. Michael Stewart, IL #6230339

One Court Street

Alton, IL 62002

618.259.2222

618.259.2251 (Fax)

mstewart@simmonsfirm.com

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Clerk of Circuit Court

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IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
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JOYCE VENTIMIGLIA

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vs.-

J. C. PENNEY CORPORATION, INC.

Defendant.

No. _____

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Further, affiant sayeth not.

Respectfully Submitted,

SIMMONS HANLY CONROY

Attorney for Plaintiff

G. Michael Stewart, IL#6230339

One Court Street

Alton, IL 62002

618.259.2222

618.259.2251 (Fax)

mstewart@simmonsfirm.com